

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application

Inventor:

Hiroaki SUDO

Group Art Unit: 2617

Appln. No.:

10/527,199

Examiner: D. Herrera

Filed:

March 10, 2005

Conf. No. 2887

For:

CDMA TRANSMITTING APPARATUS AND CDMA RECEIVING

APPARATUS

CERTIFICATION UNDER 37 CFR §1.97(e)(1)

Assistant Commissioner of Patents Washington, DC 20231

Dear Sir:

In fulfillment of 37 CFR 1.97(c)(1) and 1.97(e)(1), it is hereby certified that each item of information contained in the attached Information Disclosure Statement was first cited in any communication (see the attached copy of a Chinese Office Action Dated May 9, 2008) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

Date: June 10, 2008

Registration No. 28,732

JEL/cmw

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the documents listed on the attached Form PTO 1449.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see <u>Beckman Instruments</u>, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

If necessary, any fee that is due may be charged to deposit account number 04-1061.

Respectfully submitted,

Date: June 10, 2008

Facsimile: (202) 659-1559

James E. Ledbetter Registration No. 28,732

JEL/cmw

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